

SUPPORT FOR THE AMENDMENTS

Claims 1-20 are cancelled.

Claims 21-40 are new.

Support for Claim 1 is found in original Claims 1 and 8 and on pages 4 (lines 19-37), 6 (lines 15-20) and 7 (lines 32-37), in the specification.

Support for Claim 22 is found on page 8, lines 1-4, in the specification.

Support for Claim 23 is found on page 8, lines 21-23, in the specification.

Support for Claim 24 is found in original Claim 2.

Support for Claims 25 and 26 is found in original Claim 6.

Support for Claim 27 is found on page 6, line 21, in the specification.

Support for Claim 28 is found in original Claim 5.

Support for Claim 29 is found in original Claim 10.

Support for Claim 30 is found in original Claim 8 and on pages 4 (lines 19-37), 6 (lines 15-20) and 7 (lines 32-37), in the specification.

Support for Claim 31 is found on page 6, lines 15-20, in the specification.

Support for Claim 32 is found in original Claim 10.

Support for Claim 33 is found in original Claim 11.

Support for Claim 34 is found in original Claim 12.

Support for Claim 35 is found in original Claim 14.

Support for Claims 36 and 37 is found in original Claim 6.

Support for Claim 38 is found on page 8, lines 1-4, in the specification.

Support for Claim 39 is found in original Claim 5.

Support for Claim 40 is found in original Claim 1 and on pages 4 (lines 19-37), 6 (lines 15-20) and 7 (lines 32-37), in the specification.

Upon entry of the amendment, Claims 21-40 will be active.

No new matter is believed to be added to this application by entry of this amendment.

REMARKS/ARGUMENTS

The cancellation of Claims 1-20 obviates all previous objections and rejections.

Applicants respectfully point out that the product of present Claim 21 necessarily results in an extruded sheet comprising individual microparticles that have only partially hydrophobicized surfaces.

This feature of the product of present Claim 21 is not described or suggested by Keller or Benoit, and thus, present Claim 21, and the claims depending therefrom, cannot be anticipated by or obvious in view of Keller and Benoit.

For example, in present Claim 21, an individual impressed microparticle that does not possess hydrophobic properties prior to the hydrophobicizing would be partially embedded in the at least one surface of the extruded sheet. After the hydrophobicizing, only the portion of the surface of the embedded microparticle that is not embedded in the surface of the extruded sheet would be hydrophobicized, and thus, only a portion of the surface of the microparticle would be hydrophobic.

The entire surface the each required particle of Keller is hydrophobic (see, for example, paragraphs 17, 58 and 59 of Keller). Keller, at paragraph 59, for example, describes “porous powder particles...and a hydrophobic layer present on their surface.”

Thus, Keller does not describe or suggest microparticles partially embedded in an extruded sheet surface with only a portion of the surface of the embedded microparticles being hydrophobic. The disclosure of Benoit does not cure the deficiencies of Keller.

Similarly, Keller and Benoit do not describe or suggest, as described for example, in present Claim 30, partially embedding at least some of microparticles lacking hydrophobic properties in the surface of an extruded sheet and then hydrophobicizing the embedded microparticles such that only the portions of the surface of the embedded microparticles that are not embedded in the surface of the extruded sheet would be hydrophobic. Thus, present Claim 30, and the claims depending therefrom, cannot be anticipated by, or obvious in view of, Keller and Benoit.

The rejections of Claims 1-20 under 35 U.S.C. 112, first paragraph, and second paragraph, are believed moot in view of the cancellation of these claims herein. Claims 21-40 do not recite or refer to the formula for “n”.

The rejection of Claims 1-7 and 17-20 under 35 U.S.C. 103(a) over Keller et al. (U.S. 2002/0016433) is respectfully traversed.

Keller describes a composition for producing difficult-to-wet surfaces containing a finely divided powder whose particles have a hydrophobic surface and **at least one film-forming binder** (Claim 1).

In contrast, the claimed invention imparts a surface that has self-cleaning properties by securely anchoring at least one layer of microparticles into the surface of an extruded sheet by impressing and not linking via a carrier material. Applicants have described the disadvantages of applying a carrier such as an adhesive in the specification at page 2, lines 21-25 as:

“Processes in which structure-forming particles are applied to surfaces by means of a carrier – for example an adhesive – have the disadvantage that the surfaces obtained are composed of a very wide variety of combinations of materials which, for example, have different coefficients of thermal expansion, and this can lead to damage to the surface.”

Moreover, as discussed above, Keller describes particles having fully hydrophobic surfaces. In contrast, according to the presently claimed invention only the exposed surfaces of the particles are hydrophobic.

Applicants respectfully call the Examiner’s attention to the following excerpt from the Office’s own discussion of “**Examination Guidelines for Determining Obviousness Under 35 U.S.C. 103 in View of the Supreme Court Decision in *KSR International Co. v. Teleflex Inc.***.”

“The rationale to support a conclusion that the claim would have been obvious is that all the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded nothing more than predictable results to one of ordinary skill in the art at the time of the invention.<sup>43</sup> “[I]t can be important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does.”<sup>44</sup> **If any of these findings cannot be made, then this rationale cannot be used to support a conclusion that the claim would have been obvious to one of ordinary skill in the art,**” (Federal Register, Vol. 72, No. 195, page 57529) **(Bold added)**

Applicants respectfully submit that as described previously, Keller does not teach all the claimed elements of the present invention nor provide motivation which would have lead one to the claimed invention at the time of the invention. Therefore, Applicants respectfully submit that according to the KSR guidelines, a conclusion of obviousness cannot be supported. Withdrawal of the rejection of Claims 1-7 and 17-20 (or as may be applied to any of new Claims 21-40) under 35 U.S.C. 103(a) over Keller et al. is respectfully requested.

The rejection of Claims 8-16 under 35 U.S.C. 103(a) over Keller in view of Benoit (U.S. 4,963,388) is respectfully traversed.

Benoit is cited to show pressing particles into a polymer layer.

As described above Benoit does not disclose or suggest hydrophobizing the exposed surfaces of the applied particles as described in the presently claimed invention. Therefore, Applicants respectfully submit that this reference cannot cure the described deficiency of the primary reference and the combination of references cannot render the presently claimed invention obvious. Withdrawal of the rejection of Claims 8-16 (or as may be applied to any of new Claims 21-40) under 35 U.S.C. 103(a) over Keller in view of Benoit is respectfully requested.

The rejection of Claims 1-7 and 17-20 on the ground of nonstatutory obviousness-type double patenting over Claims 1-9 of U.S. 6,811, 856 is respectfully traversed.

U.S. 6,811,856, according to Claim 1, describes a self-cleaning surface formed by particles secured to the surface, “wherein the **particles have a fissured structure** with elevations and/or depressions wherein **the average height of the elevations and/or depressions of the particles is from 20 to 500 nm**, and wherein **the distance between the elevations and/or depressions of the particles is from 20 to 500 nm**, and wherein **the distance between the elevations and/or depressions of the particles is below 500 nm, . . .**”(Bold added)

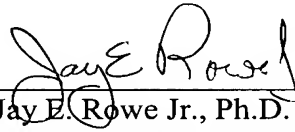
Applicants respectfully submit that the presently claimed invention does not recite any of the claimed elements bolded in the above citation from Claim 1 of the reference and therefore, the present invention cannot be obvious over the cited reference. Withdrawal of the rejection of Claims 1-7 and 17-20 on the ground of nonstatutory obviousness-type double patenting over Claims 1-9 of U.S. 6,811, 856 is respectfully requested.

Applicants respectfully request that the provisional rejections on the grounds of nonstatutory obviousness-type double patenting over copending Applications 10/506,993, 10/506,238, 10/506,236, 10/519,951 and 10/506,604 be held in abeyance pending identification of allowable subject in this application.

Applicants respectfully submit that the above-identified application is now in condition for allowance and early notification of such action is earnestly solicited.

Respectfully submitted,

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